

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1810 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

ORIENTAL INSURANCE CO.LTD.

Versus

ARVINDBHAI BHULABHI TANDEL

Appearance:

MR RR MARSHALL for Petitioner
None present for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 21/12/1999

ORAL JUDGEMENT

#. This is a matter of year 1995 and it has arisen from the order passed by the Motor Accident Claims Tribunal, Valsad at Navsari dated 12.7.95 under which the application filed by respondents No.1 and 2 under section

140 of the Motor Vehicles Act came to be allowed and Rs.50,000/= were awarded as interim compensation under "No Fault Liability".

#. It is the contention of the learned counsel for the petitioner that the amendment in Section 140 of the Motor Vehicles Act, 1988 came to be made from 14.11.94 whereas the incident occurred on 21st October, 1994 and as a result thereof, maximum amount under this head could have been awarded of Rs.25,000/=.

#. Prima-facie, this contention appears to be sound. However, I do not find it to be necessary to decide this matter finally for the reason that on 18th September, 1995, this revision application was admitted and by way of interim relief, it has been ordered that the petitioner shall deposit an amount of Rs.25,000/= in the Motor Accident Claims Tribunal. This amount has been stated to be deposited by petitioner. This court has further given liberty to the claimants to withdraw this amount. So interest of justice will be served in case the interim relief which has been granted by this court is continued and the Motor Accident Claims Tribunal, Valsad at Navsari, is directed to dispose of the Motor Accident Claims Petition No.555 of 1994 within a period of six months from the date of receipt of writ of this order. The Rule and civil revision application stands disposed of accordingly. However, liberty is granted to the respondents-claimants for revival of this civil revision application in case of difficulty by filing a simple note. No order as to costs.

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[sunil]